

DISCLAIMER

This electronic version of an SCC order is for informational purposes only and is not an official document of the Commission. An official copy may be obtained from the [Clerk of the Commission, Document Control Center](#).

COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, NOVEMBER 9, 2000

APPLICATION OF

ENERGY SERVICES MANAGEMENT VIRGINIA, LLC CASE NO. PUE000471
d/b/a VIRGINIA ENERGY CONSORTIUM

For a license to conduct
business as an aggregator

ORDER GRANTING LICENSE

On September 26, 2000, Energy Services Management Virginia, LLC d/b/a Virginia Energy Consortium ("ESM" or "Applicant"), filed an application for licensure to conduct business as an aggregator in electric retail access pilot programs, as provided by the Interim Rules Governing Electric and Natural Gas Retail Access Pilot Programs ("Interim Rules"), 20 VAC 5-311-50. The Applicant states that it proposes to act as an aggregator in the electric retail access pilot programs of Virginia Electric and Power Company ("Virginia Power"), American Electric Power-Virginia ("AEP-VA"), and Rappahannock Electric Cooperative ("REC")

On October 3, 2000, the Commission issued its Order for Notice and Comment, establishing the case, requiring that notice of the application be published, providing for the receipt of comments from the public. On October 16, 2000, the Commission issued an Amending Order allowing additional time for the

Applicant to publish notice of its application. The Commission's Staff was ordered to analyze the reasonableness of ESM's application and present its findings in a Staff Report to be filed on or before October 27, 2000.

The Applicant filed proof of publication of its notice on October 27, 2000. No comments from the public on ESM's application were received.

The Staff filed its Report on October 27, 2000, concerning ESM's fitness to provide aggregation services. The Staff concluded that ESM satisfies the technical fitness requirements for licensure. The Staff also discussed ESM's request for a waiver of 20 VAC 5-311-50 A 12 a of the Interim Rules, which requires an applicant to file an audited balance sheet and income statement for the most recent fiscal year, as well as published financial information, if available. In lieu of filing the required documents, ESM's General Manager, as sole owner, filed his personal financial statements. ESM indicates that it will collect fees for its services from licensed suppliers, not customers. The Staff recommended that the waiver be granted as requested and stated that the alternate financial information filed by the Applicant serves as sufficient evidence of financial responsibility. As such, the Staff recommended that a license be granted to ESM for the provision of

aggregation services to all classes of customers in the Virginia Power, AEP-VA, and REC pilot programs.

ESM did not file a response to the Staff Report.

NOW UPON CONSIDERATION of the application, the Staff Report, and the applicable law, the Commission finds that ESM's application for a license to provide aggregation services should be granted. We will also grant the waiver of our requiring audited financial statements. Accordingly,

IT IS ORDERED THAT:

(1) As provided by the Interim Rules, 20 VAC 5-311-60 A, ESM is granted a waiver of 20 VAC 5-311-50 A 12 a, and the submitted financial information is accepted in lieu of audited financial statements.

(2) Energy Services Management Virginia, LLC d/b/a Virginia Energy Consortium, hereby is granted license No. PA-7 to provide aggregation services to residential and commercial customers in conjunction with the retail access pilot programs of Dominion Virginia Power, AEP-VA, and REC. This license to act as an aggregator is granted subject to the provisions of the Interim Rules, this Order, and other applicable statutes.

(3) This license shall expire upon termination of the respective pilot programs unless otherwise ordered by the Commission. This license is not valid authority for the

provision of any product or service not identified within the license itself.

(4) Failure of ESM to comply with the Interim Rules, the provisions of this Order, other State Corporation Commission orders and rules, or other applicable state or federal laws may result in an enforcement action by the Commission including, without limitation, the revocation, suspension, or modification of the license granted herein, the refusal to renew such licenses, the imposition of appropriate fines and penalties, or such other additional actions as may be necessary to protect the public interest.

(5) This case shall remain open for consideration of any subsequent amendments or modifications to this license.